

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DE'ANGELO FLOWERS

PETITIONER

V.

CIVIL ACTION NO. 3:17-CV-766-DPJ-FKB

BILLY SOLLIE

RESPONDENT

ORDER

This 28 U.S.C. § 2241 habeas petition is before the Court on the Report and Recommendation (“R&R”) [11] of United States Magistrate Judge F. Keith Ball. Judge Ball recommended that Defendant Billy Sollie’s Motion to Dismiss [10] be granted and pro se Petitioner De’Angelo Flowers’s Petition be dismissed for failure to state a claim and failure to exhaust. R&R [11] at 1–2. Flowers failed to object to the R&R, and the time to do so has now passed. Instead, the copy of the R&R the Court mailed Flowers at the address he provided was returned as undeliverable. Returned Mail [12]. Defendant has since updated the Court that Flowers pleaded guilty to the crimes with which he was charged, so he is no longer a pre-trial detainee. Def.’s Supp. [13]. As such, Flowers’s Petition challenging his pre-trial detention is now moot. *See Fassler v. United States*, 858 F.2d 1016, 1018 (5th Cir. 1988).

The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge, and being advised in the premises, finds that the Report and Recommendation should be adopted as the opinion of this Court as modified to add that dismissal is also proper on the grounds of mootness.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [11] of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as modified as the

finding of this Court. The Motion to Dismiss [10] is granted, and the Petition [1] is dismissed.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 18th day of May, 2018.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE